

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INGENUS PHARMACEUTICALS, LLC,

Plaintiff,

v.

HETERO USA, INC., HETERO LABS LTD., and
HETERO LABS LTD. UNIT-VI,

Defendants.

C.A. No. 1:24-cv-01025-JLH

**DEFENDANTS' HETERO USA, INC., HETERO LABS LTD., AND
HETERO LABS LTD. UNIT-VI'S UNOPPOSED MOTION FOR LEAVE TO FILE
FIRST AMENDED AFFIRMATIVE DEFENSES**

Defendants Hetero USA, Inc., Hetero Labs Ltd., and Hetero Labs Ltd. Unit-VI (collectively, "Hetero" or "Defendants"), by their undersigned attorneys, hereby request leave to file the First Amended Affirmative Defenses, as provided by Rule 15 of the Federal Rules of Civil Procedure. A copy of the Answer to the Complaint, First Amended Affirmative Defenses, and Counterclaims is attached as Exhibit A. A copy of a redline that tracks the changes to the Amended Affirmative Defenses is attached as Exhibit B. Plaintiff Ingenus Pharmaceuticals, LLC ("Ingenus") does not oppose this request.

I. NATURE OF THE ACTION AND STAGE OF THE PROCEEDINGS

Ingenus sued Hetero on September 11, 2024, asserting claims of patent infringement of U.S. Patent No. 10,993,952 ("the '952 Patent"). On May 9, 2025, the Northern District of Illinois court held the '952 patent indefinite and, therefore, invalid. Based upon this finding, Hetero seeks leave to amend its affirmative defenses to assert the defense of collateral estoppel. Ingenus does not oppose the filing of the First Amended Affirmative Defenses.

II. ARGUMENT

A party may amend a pleading with the opposing party's written consent or leave of court. Fed. R. Civ. P. 15(a). Leave to amend a pleading prior to trial is to be given freely when justice requires. Fed. R. Civ. P. 15(a)(2). In this case, Hetero seeks to amend its affirmative defenses to add an affirmative defense that arose because of a recent decision in the Northern District of Illinois that found the '952 patent invalid. Ingenus does not oppose the motion. Thus, pursuant to Federal Rule of Civil Procedure 15(a), this motion should be granted.

III. CONCLUSION

For the foregoing reasons, Defendants Hetero USA, Inc., Hetero Labs Ltd., and Hetero Labs Ltd. Unit-VI respectfully request that the Court grant the unopposed motion for leave to file the proposed First Amended Affirmative Defenses.

Dated: June 24, 2025

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SO ORDERED this 24th day of June, 2025.



The Honorable Jennifer L. Hall
UNITED STATES DISTRICT JUDGE